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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,944	01/20/2004	Darrick Wright	BE1-0055US	1275

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EXAMINER	
AU, GARY	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/760,944	WRIGHT ET AL.	
	Examiner	Art Unit	
	Gary Au	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/23/2008 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 22, 24, 25, 27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) and further in view of US Patent No. 7,003,304 (Helferich).

As to claim 22, Straub teaches a wireless telephone for receiving an incoming call (navigation device 100 or 210 - figure 1A, 1B and 2, col. 1 line 62 - col. 2 line 2 and col. 3 lines 13-22), the wireless telephone comprising: a first receiver configured to receive wireless telephone calls (first receiver 234 – figure 2, col. 4 lines 5-22); a

second receiver, different than the first receiver, the second receiver configured to receive an emergency alert broadcast (weather receiver 270 – figure 2, col. 5 lines 1-28); and a microcontroller in communication with the first and second receivers, the microcontroller configured to be a common processor resource for the first and second receivers of the wireless telephone (processor 212 – figure 2, col. 4 lines 5-22 and col. 5 lines 1-28), by: determining an emergency alert broadcast is being received at the second receiver (col. 5 lines 1-28), determining whether to notify a user of the wireless telephone of the emergency alert broadcast based on user-defined emergency alert preferences (col. 6 lines 1-49 and col. 7 lines 28-67, wherein Straub discloses providing weather alert for one or more adjacent counties based on user selectable criteria and displaying search results based on points of interest), storing extracted code information received from the emergency alert broadcast (col. 5 lines 1-52), providing a periodic reminder (col. 6 line 62 – col. 7 line 27, wherein Straub discloses the SAME signal is received periodically and that the device would actuate a weather alert every time the mobile station is related to the SAME signal, thus providing a periodic reminder to the user) of an emergency alert broadcast containing information regarding a weather emergency to the user of the telecommunications device (figure 3A-3F, col. 8 line 1 – col. 9 line 17), the periodic reminder (col. 6 line 62 – col. 7 line 27, wherein Straub discloses the SAME signal is received periodically and that the device would actuate a weather alert every time the mobile station is related to the SAME signal, thus providing a periodic reminder to the user) being provided until an expiration date and time of the weather emergency (col. 5 lines 1-28, wherein Straub discloses the signal includes the

expiration time of the message). However, Straub fails to disclose determining a call is in progress.

In an analogous art, Helferich teaches determining a call is in progress (col. 11 line 55 – col. 12 line 17 and col. 12 lines 39-61).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include determining a call is in progress, as taught by Helferich, for the advantage of controlling the reception of the message based on the user (col. 3 lines 21-36).

As to claim 24, Straub teaches the first receiver includes a RF transceiver unit (col. 2 lines 48-64).

As to claim 25, Straub teaches the second receiver includes a NWR weather receiver configured to receiver NWR-SAME emergency alert broadcasts (weather receiver 270 – figure 2, col. 5 lines 1-28).

As to claim 27, Straub teaches the second receiver includes a digital receiver (col. 5 lines 29-52).

As to claim 29, Straub teaches the receiver unit includes a first processing module for extracting coded information contained in the emergency alert broadcast (col. 5 lines 1-52) and the periodic reminder includes an emergency alert message

containing at least a portion of the extracted coded information (col. 6 line 62 – col. 7 line 27, wherein Straub discloses the SAME signal is received periodically and that the device would actuate a weather alert every time the mobile station is related to the SAME signal, thus providing a periodic reminder to the user).

As to claim 30, Straub teaches the emergency alert message comprises an audible emergency alert message (col. 8 lines 20-31), a visual emergency alert message (col. 8 lines 6-19), or an audio-visual emergency alert message (col. 8 lines 20-31).

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) and US Patent No. 7,003,304 (Helferich) as applied to claim 22 above, and further in view of US Patent No. 6,850,604 Cannell et al. (Cannell).

Considering claim 23, Straub teaches the microcontroller configured to manage communications from the first and second receiver (processor 212 - figure 2, col. 4 lines 5-22 and col. 5 lines 1-28) and provide the emergency alert notification to the user of the wireless telephone based on the extracted coded information (col. 5 lines 29-52). However, Straub fails to teach upon receipt of a first indication to suspend a wireless telephone call in progress and upon receipt of a second indication from the user of the wireless telephone to resume the suspended wireless telephone call.

In an analogous art, Cannell teaches upon receipt of a first indication to suspend a wireless telephone call in progress (col. 5 lines 11-21) and upon receipt of a second indication from the user of the wireless telephone to resume the suspended wireless telephone call (col. 5 line 56 – col. 6 line 3).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Straub and Helferich to include upon receipt of a first indication to suspend a wireless telephone call in progress and upon receipt of a second indication from the user of the wireless telephone to resume the suspended wireless telephone call, as taught by Cannell, for the advantage of alerting the user of the phone of an incoming call when the user is engaged in a current call (col. 1 lines 14-20).

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) and US Patent No. 7,003,304 (Helferich) as applied to claim 22 above, and further in view of US Patent No. 6,728,522 Marrah et al. (Marrah).

Considering claim 26, Straub teaches a NWR weather receiver but the combined system of Straub and Helferich fails to teach receiving standard FM and AM broadcasts.

In an analogous art, Marrah teaches a NWR weather receiver further configured to receive standard FM and AM broadcasts (col. 1 lines 13-32 and col. 2 lines 52-65).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Straub and Helferich to include

receiving standard FM and AM broadcasts, as taught by Marrah, for the advantage of tuning a weather band radio to receive a plurality of weather band channels from one location (col. 1 lines 13-32).

6. Claims 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) and US Patent No. 7,003,304 (Helferich) as applied to claim 22 above, and further in view of US Patent No. 6,710,715 (Deeds).

Considering claim 28, the combined system of Straub and Helferich teaches the system above but fails to disclose the processor includes a digital signal processor.

In an analogous art, Deeds teaches the processor includes a digital signal processor (col. 12 lines 3-9).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Straub and Helferich to include a digital signal processor, as taught by Deeds, for the advantage of improving the automatic selection and distribution of messages (col. 2 lines 1-11).

7. Claims 31-35 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) and further in view of US Patent No. 6,728,522 Marrah et al. (Marrah).

As to claim 31, Straub teaches a wireless telephone for use by a telecommunications user (navigation device 100 or 210 - figure 1A, 1B and 2, col. 1 line

62 - col. 2 line 2 and col. 3 lines 13-22), comprising: a weather alert radio which includes a receiver configured to communicate with a NOAA radio broadcast system (weather receiver 270 – figure 2, col. 5 lines 1-28); an alerting module in communication with the weather alert radio and the wireless telephone, configured to provide an audio, a visual or an audio-visual alert, wherein the magnitude and type of the alert is selectably modulateable (col. 8 lines 6-31); a speaker jack, coupled to the weather alert radio and the wireless telephone (speaker 254 – figure 2, col. 6 line 62 – col. 7 line 13); a power module, including a batter power pack coupled to the wireless telephone, weather alert radio and alerting module (power source 222 - figure 2, col. 3 lines 13-22); a user interface, having a key pad, wherein the key pad is in communication with the weather alert radio and the wireless telephone (col. 3 lines 23-33); and an antenna, coupled to the wireless phone, in communication with the wireless telephone and weather alert radio (antenna 236 – figure 2, col. 4 lines 5-22); and a microcontroller configured to: determining whether to notify a user of the wireless telephone of the emergency alert broadcast based on user-defined emergency alert preferences (col. 6 lines 1-49 and col. 7 lines 28-67, wherein Straub discloses providing weather alert for one or more adjacent counties based on user selectable criteria and displaying search results based on points of interest), providing a periodic reminder (col. 6 line 62 – col. 7 line 27, wherein Straub discloses the SAME signal is received periodically and that the device would actuate a weather alert every time the mobile station is related to the SAME signal, thus providing a periodic reminder to the user) of an emergency alert broadcast containing information regarding a weather emergency to the user of the

telecommunications device (figure 3A-3F, col. 8 line 1 – col. 9 line 17), the periodic reminder (col. 6 line 62 – col. 7 line 27, wherein Straub discloses the SAME signal is received periodically and that the device would actuate a weather alert every time the mobile station is related to the SAME signal, thus providing a periodic reminder to the user) being provided until an expiration date and time of the weather emergency (col. 5 lines 1-28, wherein Straub discloses the signal includes the expiration time of the message). However, Straub does not teach a digital AM/FM radio module in communication with the weather alert radio.

In an analogous art, Marrah teaches a digital AM/FM radio module in communication with the weather alert radio (AM/FM radio tuner 24 – figure 2, col. 1 lines 13-32 and col. 2 lines 52-65).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include a digital AM/FM radio module in communication with the weather alert radio, as taught by Marrah, for the advantage of tuning a weather band radio to receive a plurality of weather band channels from one location (col. 1 lines 13-32).

As to claim 32, Straub teaches a method comprising: receiving a weather alert broadcast at the wireless telephone (col. 5 lines 1-28) and alerting a user of the wireless telephone of a weather alert broadcast by an audio, visual or audio-visual alert (col. 8 lines 6-31); determining whether to notify a user of the wireless telephone of the emergency alert broadcast based on user-defined emergency alert preferences (col. 6

lines 1-49 and col. 7 lines 28-67, wherein Straub discloses providing weather alert for one or more adjacent counties based on user selectable criteria and displaying search results based on points of interest). However, Straub fails to teach activating a digital AM/FM radio module of a wireless telephone and deactivating the digital AM/FM radio module of the wireless telephone to communicate the weather alert broadcast to the user.

In an analogous art, Marrah teaches activating a digital AM/FM radio module of a wireless telephone (col. 3 lines 18-30) and deactivating the digital AM/FM radio module of the wireless telephone to communicate the weather alert broadcast to the user (col. 3 lines 31-44).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include activating a digital AM/FM radio module of a wireless telephone and deactivating the digital AM/FM radio module of the wireless telephone to communicate the weather alert broadcast to the user, as taught by Marrah, for the advantage of tuning a weather band radio to receive a plurality of weather band channels from one location (col. 1 lines 13-32).

As to claim 33, Straub teaches receiving the weather alert broadcast includes extracting coded information from the weather alert broadcast (col. 5 lines 1-52).

As to claim 34, Straub teaches receiving the weather alert broadcast includes comparing the extracted coded information to predetermined information stored in the wireless telephone (col. 5 lines 1-52).

As to claim 35, Straub teaches alerting a user of the wireless telephone of a weather alert broadcast includes providing an emergency alert message to the user of the wireless telephone, the emergency alert message including at least a portion of the extracted coded information (col. 5 lines 1-52).

As to claim 37, Straub teaches alerting a user of the wireless telephone of a weather alert broadcast including providing the emergency alert notification simultaneously with a call in progress (col. 6 line 62 – col. 7 line 13).

As to claim 38, Straub teaches providing a recommended course of action to the user of the wireless telephone based upon the extracted coded information, wherein a recommended course of action includes information regarding steps for managing a situation in a specific weather emergency (col. 7 lines 28-52, wherein Straub discloses a shortest way to get to a shelter quickly).

As to claim 39, Straub teaches if the wireless telephone is activated, providing an emergency alert notification to the user of the wireless telephone based on the extracted coded information (col. 6 line 62 – col. 7 line 13).

8. Claims 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) and US Patent No. 6,728,522 Marrah et al. (Marrah) as applied to claim 32 above, and further in view of US Patent No. 7,233,781 Hunter et al. (Hunter).

Considering claim 36, the combined system of Straub and Marrah teaches the system as described above. However, the combined system fails to disclose determining if the wireless telephone is activated; and if the wireless telephone is not activated, activating one or more interface resources of the wireless telephone.

In an analogous art, Hunter teaches determining if the wireless telephone is activated; and if the wireless telephone is not activated, activating one or more interface resources of the wireless telephone (col. 9 lines 32-51).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Straub and Marrah to include determining if the wireless telephone is activated; and if the wireless telephone is not activated, activating one or more interface resources of the wireless telephone, as taught by Hunter, for the advantage of notifying the user even when the device is off (col. 9 lines 32-51).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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